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ATTORNEY DOCKET NO. 2003028-XXXX (Ariad 393 A US)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yang et al.
Serial No.: 09/645,967
Filed: August 24, 2000
For: 28-EPIRAPALOGS

Examiner: Kifle
Art Unit: 1624

Assistant Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231

on September 16, 2002 September 16, 2002

Sir:

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111

Filed herewith is a petition for a three (3) month extension of time, from June 15, 2002, up to and including September 15, 2002, to respond to the Office Action mailed March 15, 2002, in the above-referenced case. A check in the amount of \$460.00 (in view of the small entity status of the application) to cover the fee required by 37 C.F.R. § 1.17(a)(3) is also enclosed. Applicant notes that this response is timely filed on Monday, September 16, 2002, because September 15, 2002 falls on a Sunday. Responsive to that Office Action, Applicant requests consideration of the following Remarks:

Remarks

Applicant respectfully submits that the following Remarks remove all grounds for rejection of the application, thereby placing it in condition for allowance.

Restriction/Election:

Applicant notes that the Examiner's latest Office Action does not fully address Applicant's request for reconsideration. In particular, in response to the previous Office Action Applicant requested reconsideration of the way in which the Examiner has grouped the claims. More specifically, Applicant noted that claims 1-40 (drawn to compounds), claim 41 (drawn to compositions), and claim 45 (drawn to a method of making the compounds) should be grouped with claim 77 (drawn to a method of making specific compounds) since these formed a single inventive concept. Claims 1-41 were examined in the latest Office Action. Claims 42-77 were withdrawn by the Examiner as being drawn to non-elected inventions. The Examiner stated that claim 45 is drawn to a method of epimerizing the hydroxy group of an aldol moiety in any compound. Applicant respectfully disagrees. Claim 45 depends from any one of claims 42-44